# MAY 21, 2012 PARMA CITY HALL COUNCIL CHAMBER REGULAR COUNCIL MEETING 7:00 P.M.

The Regular Council Meeting was called to order by President of Council Sean P. Brennan presiding:

COUNCIL MEMBERS PRESENT: MARK CASSELBERRY

BRIAN DAY
ALLAN DIVIS
MARY GALINAS
DEBORAH LIME
LARRY NAPOLI
SCOTT M. TUMA
BRIAN BROCHETTI

COUNCIL MEMBER ABSENT ROY J. JECH

Mr. Ramser - Mr. President, the Roll of Council has been called and I find a quorum of Council members present. The following officials and department heads were also present: Mayor Timothy DeGeeter, Law Director Timothy G. Dobeck, Auditor Dennis M. Kish, Treasurer Thomas Mastroianni, Service Director Brian Higgins, Safety Director Gregory Baeppler, Building Commissioner/City Engineer, Paul Deichmann, Communications and Community Relations Director Jeannie Roberts, Recreation Commissioner Mickey Vittardi, Director of Human Resources Thomas Weinreich, Senior Citizen Director Jo Ann Mason, Chief of Staff Michael Culp, Economic Development Officer/Grant Writer Shelley Cullins, and Clerk of Council Kenneth A. Ramser.

## INVOCATION

The Invocation was given this evening by Clerk of Council Kenneth Ramser.

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#### PLEDGE OF ALLEGIANCE

Cub Scout Troop 636 from St. Bartholomew's led the Pledge of Allegiance.

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## **ORDINANCES AND RESOLUTIONS**

Motion made by Councilman Day, seconded by Councilwoman Galinas, to amend the Calendar as follows: On Page 4, under Suspension of the Rules, add Resolution No. 111-12. Further moved to waive the Three Day Rule on Resolution No. 111-12 under Suspension of the Rules. Motion carried.

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## **LEGISLATIVE COMMENT**

Mr. Brennan - Asked if anyone from the public would like to comment on any legislation that Council will be taking final action on tonight. No one wished to comment.

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## **DISPOSAL OF THE JOURNAL**

Mr. Brennan - Stated, we have the Minutes from the May 7, 2012, Regular Council Meeting. Asked if there were any additions or corrections to these Minutes. Stated, hearing none, the Minutes will stand approved as printed.

**COMMUNICATIONS, PETITIONS, AND CLAIMS** 

Proposal to Vary for the Applicant Michael W. Kidney, 4102 Liggett Dr., 44134, PPN 444-30-083. The request is for an "Use" variance of the city of Parma Codified Ordinances of Section 1153.02 - SINGLE FAMILY HOUSE DISTRICTS-PRINCIPAL USES AND BUILDINGS. The request is

## **COMMUNICATIONS, PETITIONS AND CLAIMS CONTINUED:**

to rebuild a current legal non-conforming two-family in a Single-Family District should the dwelling be destroyed in the future at 4102 Liggett Dr. Within any Single-Family House District, no building or premises shall be erected, used, arranged or designed to be used, in whole or in part, for other than single-family detached dwellings. Proposing to sell their legal, nonconforming two-family dwelling, which is in a single-family house district, which would require variance to allow rebuilding of two-family structure if destroyed. Mortgage Company will not allow loan without the variance. There is a stipulation that the property owner (Mr. Kidney) submits a check on Wednesday, May 9th to the Building Department to cover the cost of Legal Advertising done in accordance with the City Ordinance in the amount of \$108.68.

Mr. Brennan - Said variance will be referred to the Planning Committee. \_\_\_\_\_\_

## FIRST READING:

RESOLUTION NO. 106-12 5/21/12 L-106-12

BY: **B. BROCHETTI** 

A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SAFETY TO ISSUE A PERMIT TO TRANSPORT INTO THE TERRITORIAL LIMITS OF THE CITY OF PARMA, FIREWORKS AND FIREWORK SUNDRIES FOR A PYROTECHNIC DISPLAY IN CONJUNCTION WITH THE HOLY FAMILY PARISH FESTIVAL, AND DECLARING AN **EMERGENCY** 

Mr. Brennan - Said Resolution will referred to the Public Safety Committee.

# **SECOND READING:**

RESOLUTION NO. 295-11 2/6/12 L-295-11

BY: M. GALINAS

A RESOLUTION REQUESTING THE MAYOR TO HAVE THE STATE OF OHIO AUDITOR'S OFFICE CONDUCT A STATE PERFORMANCE AUDIT FOR THE CITY OF PARMA, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma, seconded by Councilman Day, to refer Resolution No. 295-11 back to the Finance Committee. Motion carried.

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ORDINANCE NO. 83-12 5/7/12 L-83-12

BY: L. NAPOLI

(By Request - City Engineer)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR SANITARY SEWER IMPROVEMENTS FOR THE PARKHAVEN DRIVE AND BROADVIEW ROAD SEWER PROJECT SANITARY SEWER PROJECT IN THE CITY OF PARMA, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma, seconded by Councilman Day, to refer Ordinance No. 83-12 back to the Finance Committee. Motion carried.

## **SECOND READING CONTINUED:**

ORDINANCE NO. 84-12 5/7/12 L-84-12

BY: S. M. TUMA

(By Request - Service Director)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE 2012 PAVEMENT MAINTENANCE PROGRAM, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma, seconded by Councilman Day, to refer Ordinance No. 84-12 back to the Finance Committee.

ORDINANCE NO. 85-12 5/7/12 L-85-12

BY: S. M. TUMA

(By Request - Service Director)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE PURCHASE OF TACK COAT AND PRIME COAT, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma, seconded by Councilman Day, to refer Ordinance No. 85-12 back to the Finance Committee. Motion carried.

ORDINANCE NO. 86-12 5/7/12 L-86-12

BY: S. M. TUMA

(By Request - Service Director)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR ASPHALT PLANING, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma, seconded by Councilman Day, to refer Ordinance No. 86-12 back to the Finance Committee. Motion carried.

ORDINANCE NO. 87-12 5/7/12 L-87-12

BY: S. M. TUMA

(By Request - Service Director)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE PURCHASE OF ASPHALT CONCRETE, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma, seconded by Councilman Day, to refer Ordinance No. 87-12 back to the Finance Committee. Motion carried.

## SECOND READING CONTINUED:

ORDINANCE NO. 88-12 5/7/12 L-88-12

BY: S. M. TUMA

(By Request - Service Director)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE PURCHASE OF LIMESTONE, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma, seconded by Councilman Day, to refer Ordinance No. 88-12 back to the Finance Committee. Motion carried.

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ORDINANCE NO. 89-12 5/7/12 L-89-12

BY: S. M. TUMA

(By Request - Service Director)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE PURCHASE OF CONCRETE, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma, seconded by Councilman Day, to refer Ordinance No. 89-12 back to the Finance Committee. Motion carried.

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RESOLUTION NO. 93-12 5/7/12 L-93-12

BY: L. NAPOLI

(By Request - City Engineer)

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE SPRAGUE ROAD AND A PORTION OF HOERTZ ROAD IN THE CITY OF PARMA, OHIO, BY PROVIDING THE INSTALLATION OF SANITARY SEWERS, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma, seconded by Councilman Day, to refer Resolution 93-12 back to the Finance Committee. Motion carried.

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# **SECOND READING SUSPENSION OF THE RULES:**

Mr. Brennan - Shall the statutory provision and Rule 48 requiring the full and distinct reading of Ordinance No. 92-12 and Ordinance No. 102-12 on three different days be dispensed with?

Yes: Casselberry, Day, Divis, Galinas, Lime, Napoli, Tuma, Brochetti.

No: None: motion carried.

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ORDINANCE NO. 92-12 5/7/12 L-92-12

BY: L. NAPOLI

(By Request - City Engineer/Building Commissioner)

AN ORDINANCE DETERMINING TO PROCEED WITH THE IMPROVEMENT OF PARKHAVEN DRIVE AND A PORTION OF BROADVIEW ROAD IN THE CITY OF PARMA, OHIO, BY CONSTRUCTING SANITARY SEWERS,

### SECOND READING SUSPENSION OF THE RULES CONTINUED:

#### AND DECLARING AN EMERGENCY

Motion made by Councilman Day, seconded by Councilman Tuma, to adopt Ordinance No. 92-12. Motion carried.

Yes: Casselberry, Day, Divis, Galinas, Lime, Napoli, Tuma, Brochetti.

No: None; Ordinance No. 92-12 is adopted.

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ORDINANCE NO. 102-12 5/7//12

L-102-12

BY: D. LIME, M. CASSELBERRY, M. GALINAS, B. DAY, S. M. TUMA, B. BROCHETTI (By Request - Community Services/Economic Development Director)

AN ORDINANCE TO AMEND A PORTION OF ORDINANCE NO. 184-11 TO REFLECT A REVISED EXHIBIT "A" RELATIVE TO THE TRANSFER OF CITY-OWNED PROPERTY, ACQUIRED UNDER THE APPROVED NEIGHBORHOOD STABILIZATION PROGRAM (NSP), TO NEIGHBOR RESIDENTIAL PROPERTY OWNERS, AND DECLARING AN EMERGENCY

Motion made by Councilman Day, seconded by Councilwoman Galinas, to adopt Ordinance No. 102-12.

Councilman Day - Made positive comments relative to the Neighborhood Stabilization Program.

Yes: Casselberry, Day, Divis, Galinas, Lime, Napoli, Tuma, Brochetti.

No: None; Ordinance No. 102-12 is adopted.

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## THIRD READING:

ORDINANCE NO. 11-12 2/6/12 L-11-12

BY: R. J. JECH. M. GALINAS

(By Request - Recreation Director)

AN ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF SEVEN HILLS FOR SHARED RECREATION FACILITIES, AND DECLARING AN EMERGENCY

Motion made by Councilwoman Lime, seconded by Councilman Day, to hold Ordinance No. 11-12 on Third Reading. Motion carried.

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RESOLUTION NO. 62-12 4/2/12 L-62-12

BY: B. DAY, B. BROCHETTI, M. CASSELBERRY, A. DIVIS, M. GALINAS, D. LIME, L. NAPOLI, S. TUMA

(By Request - Mayor)

A RESOLUTION DECLARING IT NECESSARY TO RENEW AN EXISTING TAX LEVY IN EXCESS OF THE TEN MILL LIMITATION FOR THE PURPOSE OF PROVIDING AND MAINTAINING MOTOR VEHICLES, COMMUNICATIONS, AND OTHER EQUIPMENT USED DIRECTLY IN

THE OPERATION OF THE POLICE DEPARTMENT, AND THE PAYMENT OF SALARIES OF PERMANENT POLICE PERSONNEL, INCLUDING THE PAYMENT OF THE POLICE OFFICER EMPLOYERS' CONTRIBUTION REQUIRED UNDER SECTION 742.33 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY

## THIRD READING CONTINUED:

Motion made by Councilman Day, seconded by Councilwoman Galinas, to adopt Resolution No. 62-12.

Yes: Casselberry, Day, Divis, Galinas, Lime, Napoli, Tuma, Brochetti.

No: None: Resolution No. 62-12 is adopted.

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## SUSPENSION OF THE RULES:

Mr. Brennan - Shall the statutory provision and Rule 48 requiring the full and distinct reading of Ordinance No. 105-12, Ordinance No. 107-12, Ordinance No. 108-12, Ordinance No. 109-12, Resolution No. 110-12 and Resolution No. 111-12 on three different days be dispensed with?

Yes: Casselberry, Day, Divis, Galinas, Lime, Napoli, Tuma, Brochetti.

No: None; motion carried.

Mr. Brennan - Shall Rule 45 requiring reference to Committee be dispensed with and Ordinance No. 105-12, Ordinance No. 107-12, Ordinance No. 108-12, Ordinance No. 109-12, Resolution No. 110-12, and Resolution No. 111-12 be placed on final passage?

Yes: Casselberry, Day, Divis, Galinas, Lime, Napoli, Tuma, Brochetti.

No: None: Motion carried.

ORDINANCE NO. 105-12 5/21/12 L-105-12

BY: B. DAY, L. NAPOLI

(By Request - Safety Director)

AN ORDINANCE TO AMEND A PORTION OF SUBSECTION (a) "ADMINISTRATIVE CODE" OF SECTION 185.04 "FEES OF THE DIRECTOR OF PUBLIC SAFETY" OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA TO ESTABLISH SPECIAL EVENT FEES. AND DECLARING AN EMERGENCY

Motion made by Councilman Day, seconded by Councilwoman Galinas, to adopt Ordinance No. 105-12.

Councilwoman Galinas - Asked for an explanation of the non-City sponsored Special Events and what it included.

Safety Director Baeppler - Gave an explanation.

Yes: Casselberry, Day, Divis, Galinas, Lime, Napoli, Tuma, Brochetti.

No: None; Ordinance No. 105-12 is adopted.

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ORDINANCE NO. 107-12

5/21/12 L-107-12

BY: **S. M. TUMA,** A. DIVIS, L. NAPOLI, B. BROCHETTI

(By Request - Service Director)

AN ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH GPD GROUP & ASSOCIATES FOR ENGINEERING AND DESIGN WORK FOR CITY HALL DRIVEWAY, PARKING LOT RECONSTRUCTION, MEMORIAL HALL PARKING LOT, AND OTHER MUNICIPAL SITE WORK. AND DECLARING AN EMERGENCY

Motion made by Councilman Day, seconded by Councilwoman Galinas, to adopt Ordinance No. 107-12.

## SUSPENSION OF THE RULES CONTINUED:

Councilwoman Lime - Asked if this was a budgeted item in 405 Professional Services. Service Director Higgins - Stated - Yes.

Councilwoman Galinas - Asked questions regarding the GPD Group & Associates and when all the work was to begin.

Service Director Higgins - Answered the questions.

Yes: Casselberry, Day, Divis, Galinas, Lime, Napoli, Tuma, Brochetti.

No: None; Ordinance No. 107-12 is adopted.

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ORDINANCE NO. 108-12

5/21/12 L-108-12

BY: L. NAPOLI, S. TUMA, M. CASSELBERRY, B. DAY, A. DIVIS, M. GALINAS, D. LIME (By Request - Mayor) R. J. JECH, B. BROCHETTI

> AN ORDINANCE TO AMEND A PORTION OF SUBSECTION (e)(6) "PLUMBING FEES" OF SECTION 185.04 "FEES OF THE DIRECTOR OF PUBLIC SAFETY" OF THE CODIFIED ORDINANCES OF THE CITY OF **PARMA**

RELATIVE TO THE BASE FEE FOR STORMWATER STORAGE

CONTAINERS.

AND DECLARING AN EMERGENCY

Motion made by Councilman Day, seconded by Councilwoman Galinas, to adopt Ordinance No. 108-12.

Councilwoman Galinas - Asked for a brief explanation of this Ordinance.

Mayor DeGeeter - Thanked all Council members for sponsoring this Ordinance. Gave an explanation of the Ordinance and the \$1.00 fee.

Councilwoman Galinas - Stated - Just a follow-up, so it will be a \$1.00 fee for the next eighteen months, correct?

Mayor DeGeeter - Stated - correct.

Yes: Casselberry, Day, Divis, Galinas, Lime, Napoli, Tuma, Brochetti.

No: None; Ordinance No. 108-12 is adopted.

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ORDINANCE NO. 109-12 5/21/12 L-109-12

BY: S. M. TUMA

(By Request - Auditor)

AN ORDINANCE AUTHORIZING THE TRANSFER OF APPROPRIATIONS WITHIN THE 2012 PERMANENT APPROPRIATIONS OF THE CITY OF PARMA, AND DECLARING AN EMERGENCY

Motion made by Councilman Day, seconded by Councilwoman Galinas, to adopt Ordinance No. 109-12.

Yes: Casselberry, Day, Divis, Galinas, Lime, Napoli, Tuma, Brochetti.

No: None; Ordinance No. 109-12 is adopted.

BY: S. M. TUMA

(By Request - Auditor)

A RESOLUTION APPROVING THE CITY AUDITOR'S POST CERTIFICATION OF REQUISITIONS AS DETAILED IN EXHIBIT "A" AND DECLARING AN EMERGENCY

## SUSPENSION OF THE RULES CONTINUED:

Motion made by Councilman Day, seconded by Councilwoman Galinas, to adopt Resolution No. 110-12.

Councilwoman Galinas - Asked a question regarding Engineering CT Consultants for the VA Clinic Survey Project.

Mayor DeGeeter - Answered the question.

Yes: Casselberry, Day, Divis, Galinas, Lime, Napoli, Tuma, Brochetti.

No: None; Ordinance No. 110-12 is adopted.

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RESOLUTION NO. 111-12 5/21/12 L-111-12 BY: B. DAY, M. CASSELBERRY, B. DAY, A. DIVIS, M. GALINAS, D. LIME, L. NAPOLI, (By Request - Building Commissioner) S. M. TUMA, B. BROCHETTI

> A RESOLUTION REQUESTING THE BUILDING COMMISSIONER TO INSTITUTE SUMMARY NUISANCE ABATEMENT OF PERMANENT PARCEL NUMBER 445-11-010, 5357 BROADVIEW ROAD, PARMA, OHIO, AND DECLARING AN EMERGENCY

Motion made by Councilman Day, seconded by Councilwoman Galinas, to adopt Resolution No. 111-12.

Councilman Day - Stated he would appreciate everyone's support regarding this Resolution. Stated - It's a neglected commercial building in his Ward.

Mr. Tuma - Asked Mr. Deichmann if there is a different procedure for commercial properties as opposed to residential properties, or is it the same procedure?

Mr. Deichmann - The procedure for summary nuisance abatement is essentially the same for residential and commercial.

Yes: Casselberry, Day, Divis, Galinas, Lime, Napoli, Tuma, Brochetti.

No: None: Resolution No. 111-12 is adopted.

## APPOINTMENTS AND CONFIRMATIONS

Mr. Brennan - Asked if there were any appointments or confirmations at this time. Mayor DeGeeter - Stated that there were none.

## **PUBLIC SESSION**

Dorothy Hazel - Extended an Invitation to the Greater Cleveland Trails and Greenway Conference on Wednesday June 6, 2012 at the Independence Civic Center. This Conference is co-sponsored by the West Creek Preservation Committee and Big Creek. Encouraged everyone to come. Beginning at 8:00 a.m. is registration. There will be 8 informative and in-depth sessions with local and national experts including advocates, environmental and public health authorities, design professionals, community leaders and business interests. There will 17 speakers including Cuyahoga Executive Ed Fitzgerald, Metro Parks Executive Director Ryan Zimmerman. We're still waiting to hear for sure from Cleveland Mayor Frank Jackson. Conference registration

be held from 5 to 7 in the evening. Continuing education credits for professionals are available.
County Councilman Germana, 8501 Evergreen, County Councilman, District 4 - Stated - He has had the opportunity to speak at Ward Meetings, and if Council members or the Administration would ever like to have a speaker at their meetings or community events, he would be happy to speak, as the Cuyahoga County Councilman, generally about the County and about the things that are going on in the County.
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PUBLIC SESSION CONTINUED:
Francisco Alcona, 5810 Belmere - Made comments regarding houses on Belmere that are not being taken care of. Stated that he has never lived in any other city since coming here from Mexico and he loves Parma.
MISCELLANEOUS BUSINESS  Mayor DeGeeter - Wednesday kicks off the Mayor's In, Mayor's Out Program 5:00 p.m. to 7:00 p.m. Thursday evening in Ukrainian Village, we have our second Economic Business Summit with those businesses within Ukrainian Village that starts at 5:00 p.m. Memorial Day Events are posted on our City's Website. Parma Night with our First Place Indians at Progressive Field is on July 26 <sup>th</sup> against the Tigers, \$10.00 Bleacher seats. Please try to encourage residents within each of your Wards to attend. Stated he is giving up his opportunity to throw out the First Pitch and raffling it off to a Parma child, to have a chance of a lifetime.
Safety Director Baeppler - No comment.
Service Director Higgins - No comment.
Auditor Kish - No comment.
Law Director Dobeck - No comment.
Treasurer Mastroianni - Mentioned the event that the Mayor and he attended last Wednesday at Holiday Inn Rockside. The PTA sponsor a yearly event where they give out all of the scholarships in the school system. We had the pleasure of sitting at the table with little Anthony Zielinski and Mr. and Mrs. Zielinski, along with the first recipient of the Anthony Zielinski Memorial Scholarship. She won \$1200.00.
- Councilman Casselberry - No comment.
Councilman Day - Wished everyone a happy Memorial Day weekend.
Councilman Divis - Wished everyone a happy and safe Memorial Day weekend.
Councilwoman Galinas - Thanked the Service Director for working with her in regard to some street issues. Appreciates the Service Director and the Mayor calling her on some issues in the Ward and the communication lines being open.

Meeting adjourned at 7:53 p.m.

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Minutes completed May 24, 2012